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DISCOURSE

UPON THE QUESTION,

Whether the King shall be tried?

Delivered before the SOCIETY of the FRIENDS of
the CONSTITUTION, at PARIS, at a
Meeting, July 10th, 1791.

By J. P. BRISSOT DE WARVILLE,
Member of that Society.

Translated by P. J. G. DE NANCREDE,
Preceptor of the French Language, in the Univer-
sity of Cambridge.

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D I S C O U R S E

OF THE COURTESY

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the Convention at Paris on

Morning July 10th 1793.

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French


ADVERTISEMENT of the Translator.

I AM sensible I owe an apology, for offering the following Translation to the Public; yet presumptuous as it may appear, I am far from being without specious reasons to justify this presumption. Ever unable to suppress those National feelings, excited by the reading of the energetic and masterly pieces which our Revolution has produced, though a citizen of this country and happy under its government, I still remember that I am a Frenchman, and indulge those enthusiastic feelings, always consequent upon the perusal of a spirited and beautiful piece of composition, especially when it comes from that quarter. To communicate these feelings to the Public was my intention, in the undertaking of the present translation; and, if in the performing of it, I fall short of the original, and am left with little more, to present to the public, than the INTENTION, I still hope they will have the indulgence to receive it, and in THAT resolve its imperfections.

The subject upon which the following Discourse was delivered, is one of the newest and most interesting in the world. It is of the utmost importance to the French Nation: It cannot be indifferent to the Americans. The part the Author has acted, and his opinion on the subject, declared in so formal a manner, must render it so much the more interesting to this people, so conversant with the Liberties and Rights of Mankind, as the example of their courage and political knowledge has been the great focus, where France has acquired her light, and of course the means of recovering her

her liberties. America cannot but see with pleasure a diffusion of sentiments, which their author imbibed during his residence here. The gentleman's character also, his present situation and influence in politics, to say nothing of many other well known circumstances, * may be considered as favourable to the reception of the following sheets.

* M. Warville has published his Travels through the United States; I find some inaccuracies in the topographical part of them, which might give an unfavourable idea of the whole work. It is not, however, to be judged from this circumstance, as he himself says that he travels "not for a geographer, but for a philosopher and a patriot." The short stay which he made here not allowing him to ascertain many topographical points, which require a time he thought he could spend to more advantage.



A

DISCOURSE, &c.

GENTLEMEN,

THE important question, which you are now debating, comprizes five particulars, which are all equally interesting.

- 1st. Shall the King be tried ?
- 2d. By whom shall he be tried ?
- 3d. In what form shall he be tried ?
- 4th. In what manner shall his place in the interim be supplied ?
- 5th. How shall it be finally supplied, if he be deposed ?

Each of these questions ought to be discussed separately, with that deliberation, that reflection, which the importance of this national prosecution requires ; with that solemnity which ought to surround a nation, which, with that liberty, with that freedom of opinion, which characterizes the friends of truth, accuses one of its representatives with the greatest of crimes.

M. Petion, in the last session, wisely confined the then discussion to the first of these questions : *Shall, can the King be tried ?* To that boundary, which he fixed upon, and which you seemed to approve, I shall confine myself. I shall not, therefore,

therefore, at present, treat of any of the subsequent questions ; though our adversaries endeavour to keep them up, to mix and confound them, in order to lead the mind astray, to fill it with prejudices against the severe measures, which the interest, justice and majesty of the Nation require. It is not, gentlemen, that we dread the combat, which is offered us by our adversaries. No, when the proper time shall come, we will prove to them, that whether the King preserve his throne, or his place be otherwise supplied, the safety of the people, the safety of the constitution, require, that the throne be surrounded by a council, which, holding its powers from the people, may inspire confidence into the people. We will prove to them that this form, far from altering the French Constitution, is agreeable to that constitution, agreeable to its fundamental principles : We shall prove to them, that they are ignorant, or pretend to be ignorant of these principles ; that they have always been in a delirium, or deceived in their charges against *Republicanism* ; that, while under this vague term, they calumniate the representative government, they calumniate the French Constitution : we shall prove to them, that those whom they call republicans, are the firmest defenders of that constitution : In fine, we shall prove to them, that the mode of the elective council, already laid before this tribunal, is the only one capable of restoring confidence in the executive power, and consequently its force and energy, of course, peace and harmony ; while the mode proposed by them, is only adapted to load the French people with reproach, by spreading discord and anarchy.

Then,

Then, gentlemen, in this solemn discussion, which I hope will be admitted in this assembly, the misunderstanding which divides the patriots will entirely disappear; the misunderstanding which the artifice and calumnies of our enemies keep up, and of which one word more may destroy the poison.

What would they have, who rise up here, in opposition to republicans? fearing anarchy, seeing it in tumultuous assemblies, they dread, they detest the democracies of Athens and of Rome; they dread the division of France into confederate republics; they want nothing but the French Constitution, a representative constitution; they are right.

What, on the other hand, do they want, who are called republicans? they dread, they equally reject the tumultuous democracies of Athens and of Rome; they equally dread the eighty three confederate republics; they desire nothing but the representative, homogeneous constitution of all France together. We are therefore all agreed; we all want the French Constitution.

The only thing which divides us in appearance is reduced to this: The Supreme Executive has betrayed his trust has lost the confidence of the Nation. Can there remain a doubt, if he should be restored, or the infant put in his place, whether to furnish him with an elective council, which may inspire confidence, so necessary in these times of confusion? The patriots say no; they who would make the best of a despised King, or of his feeble successor, say yes, and cry out against *Republicanism*, that those, on the *civil list*, may not be cried out against. There, gentlemen, is

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the whole mystery ; there is the key of this ridiculous accusation of republicanism. There is here, therefore, no contest, but between principles and a concealed ambition ; between the friends of the constitution and the friends of the *civil list*.

But before discussing what method of supplying the place of Royalty is best, it is indispensably necessary to examine, whether the King shall be tried, for if he is not, the second enquiry becomes useless.

I return, therefore, to the only question, which I proposed to treat of to day. I owed you this preliminary remark, in order to establish the fraternal affection, which unites us all, to dissipate the anxieties, which those felt, who thought they saw a violation of our constitutional principles, in the disapprobation, or in the approbation of republican principles, and who lamented the schism.

Shall the King be tried ?

This question involves two—*can he be tried ? ought he to be tried ?* The committees maintain that he neither can, nor ought to be tried : With regard to the first, they are countenanced by the sacredness of the King's person ; in regard of the second, by the fear of foreign powers ; it is to these two arguments, that I shall confine myself.

I come, in the first place, to that of inviolability.

M. Petion had good reason to tell you, that he did not conceive how this question made one of them ; for if we consult common sense, the declaration of rights, the constitution, the customs of
free

free nations, those of our ancestors, the opinions of the most esteemed authors, A CRIMINAL KING, SACRED, is the most shocking absurdity.

We are not speaking of the constitutional inviolability of the King, of that, by the aid of which the King is not responsible for his acts of administration; that now cannot be disputed; though that is but a fiction, it is not a dangerous one; because acts of this sort being always to be countersigned by a responsible minister, the people always have them guaranteed under his hand.

But this sacredness is pretended to be applicable to all the external and personal acts of the King: It is pretended that he himself is sacred, whether he openly invades the rights and safety of individuals, or attacks the liberty of his country with armed force.

This doctrine proves the danger of introducing fictions into constitutions. It has been said after the English, "*The King can do no wrong as a King*;" therefore he is inviolable; and courtiers and valets of the King conclude, from thence, that the King can do no wrong as an individual, and of consequence can never be tried, nor punished, though he should commit the most horrid crimes. If, say they, you admit his infallibility, as King, why should you not admit it as a man? he is always the same man, and the second fiction is not more shocking than the first.

I do not come here, even to justify the first inviolability itself; I submit to it, it has been decreed; but I maintain, that if the second be admitted, there will no more remain, either principles, or declaration of rights, or safety of the Nation.

tion, or constitution, or liberty. Good sense, indeed, would have punishment the consequence of a crime : and not to apply punishment where there is a crime, is to encourage it.

Common sense would not have a man declared *inpeccable*, while he is but a man, nor declared unpunishable, since heaven has not made him *impeccable*. The Egyptians, who also believed royalty a necessary element of government, but who were desirous of being delivered from the evil, which their *animated* Kings did them, put a stone into their place, setting it on the throne. The Seiks* put the Alcoran and a drawn sword on it ; and live like republicans ; if the stone and the Alcoran are unpunishable, they are at least *impeccable* ; they do not conspire against the nation.

The declaration of rights would have all the citizens upon a par in the eye of the law. Now this equality no longer exists, from the moment that one man is above the law ; and the declaration of rights is insensibly annihilated, in every article, from the moment that one has the audacity to trample a single one of them under feet.

The sovereignty of the nation acknowledges no person above itself. Now if one man has the privilege of conspiring against the nation, without being obnoxious to punishment, it is clear that this privileged being is the sovereign, and that the nation is his slave.

In him, I see nothing but a Deity, and twenty five millions of brutes or bond slaves in the pretended citizens.

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* Officers among the Turks—*translator*.

The constitution wills that all powers should be derived from the people ; that all should be subordinate to the people. Now the universal and perpetual sacredness of one man cannot be derived from the people : For they can make nothing greater than themselves ; and to make any one greater than themselves, is to overthrow that subordination, in which all the delegates of the people ought to be, in respect to them.

The constitution says, *the Nation, the Law and the King* ; but the partisans of inviolability place the King first, and not along side, but above the nation, and the laws. Thus if you admit absolute inviolability, this beautiful arrangement of political elements, which covers you with glory, in the eyes of the world, must be changed.

The liberty of action knows no bounds, but the right of other people. Whenever an individual has the privilege of leaping all bounds, with respect to other persons, and of preventing others doing the like, with regard to his own, it is evident, there can be neither liberty, nor justice : For liberty and justice suppose a reciprocity of rights and of duties : Now here the rights are all on one side, and the duties on the other.

But if the inviolability of the King overthrows common sense, the declaration of rights, the sovereignty of the nation, the constitution, and liberty, it is evident, that it neither is nor can be in our constitution : It is evident, that those, who defend it, are the enemies of the people, of the constitution, and of liberty ; it is evident that if this system was admitted, it would insensibly overthrow all those foundations ; for in the case of constitutions, one evil always brings on ten others, which are grafted on the first.

Our adversaries agree that this absolute inviolability, is not yet decreed ; but they say it is necessary it should be ; they say it is derived from the inviolability of administration.

We have already seen what difference there was between these two inviolabilities : What ! because one arm is affected with the palsy, does it follow that it would be a blessing to be a paralytic, in all the other limbs ?

Alas ! is it possible to calculate all the evils which a like privilege of absolute inviolability may bring on ! I do not speak of mad or drunken freaks, which may debase the mind of a prince, sure of impunity ; I do not call to mind the taste of that prince, who, without being a King, however, amused himself with killing men as he would rabbits ; nor of so many inviolable despots, so many Tiberius', so many Neros, who, for their own private amusement, plunged thousands of unfortunate persons into dungeons, and who forced the most virtuous men to swallow death in poison.

But I shall put one single question to one of those intrepid advocates for crowned impunity : What would he say, if the King, in his diversion, should debauch his wife ? carry off his daughter, steal his money, burn his house, threaten his life ? would he say to him, *Lord, let thy will be done* ? The most cowardly slave would be ashamed of this language. Would he cite the law to him ? that was not made for a King. Would he repel his injury with armed force ? He is inviolable, he is the *Lord's anointed*. Here, therefore, he must be either the meanest of mortals, or violate one who is inviolable, since the law dares not punish him. How are we embarrassed, how have

we, even our own throats cut, when we abandon common sense, nature, and the rights of man ! it would be even cutting his throat, who would be favoured with privileges so contrary to all. For to forbid the sword of the law to touch a culpable individual, is to deliver that culprit to the sword of all those, whom he had it in his power to injure ; it is to give him twenty enemies, twenty hangmen, in order to save him from the hands of a single one.

Doubtless, here gentlemen, your memory will remind you of a number of princes, who have been undone, merely by this inevitable influence of inviolability, unhappily attached to absolute power : It will remind you of numerous assassinations, numerous depositions of princes, whom their inviolability carried to the greatest excesses. It will remind you of so many bloody pages of the history of the *lower Empire*, and of Turkey. It is from the doctrine of this country, that our champions of inviolability would infect the pure sources of our immortal constitution. Alas ! to what lengths do not the consequences of this impious doctrine carry ? They cover with its own veil, even the wars, which a prince may undertake against the liberty of his own country. I would here ask one of the advocates of inviolability, if the King, after passing over our frontiers should not return to France again, unless at the head of a foreign or a rebellious army, carrying fire and sword every where ; if he should have laid waste our most delightful fields ; if, in his mad career, he should be taken, after several battles, dare answer me, what would you do with him ? Would you alledge his being sacred, in order to absolve him, and set him at liberty ?

Yes,

Yes, answers a member of a committee, coldly. Well, then go to Constantinople, and get shackles—carry your infamous doctrine there—it is shocking here to Freemen.

This example, gentlemen, ought to strike you; if there is a personal crime in a King, where sacredness cannot screen him from the sword of the law, it is plain that other crimes which do violence to society, cannot rather escape it. For who shall fix the exact line? By what rule shall it be drawn?

By that of the good of society, it will be answered; the maintenance of order is in the sacredness of the King: If you take that from him, he will be attacked every day.

I have not, I confess, sufficient depth of understanding to conceive how absurdity and outrage are the necessary elements of a good government. How long has poison been the necessary element of life? I have not an eye sufficiently penetrating to discern the relations which connect the sacredness of a criminal, with the general maintenance of order. On the contrary, I see in it the source of the greatest disorders, and an excuse for the greatest criminals. Call to mind this striking expression, pronounced by a Judge, at this tribunal: "*Should I go,*" said he "*to condemn an assassin, in the name of the King?*" he will tell me, "*you condemn me in the name of a man, who would overthrow the Constitution, cover France with streams of blood, and who, notwithstanding, still enjoys the throne!*"

Under a free government, gentlemen, order is maintained only by the example of order; justice, only by personal subjection to justice; and it is not by giving a general certificate of impunity that the number of crimes is diminished.

I see

I see the President, or elective King of the United States, is amenable before the law, capable of being suspended, and condemned for the crime of high treason. I do not see that this law has exposed any President to be every day tormented with false accusations; but there has not, indeed, been any President of the UNITED STATES, who has conspired against his country: He knows that he should be inevitably hanged; and this certainty appears to me a better preservative against conspiracies than inviolability, which is nothing but a patent, an exclusive privilege to conspire at pleasure.

Mr. Goupill has cited to you the example of England, which has declared its King sacred. Fine indeed! gentlemen; it is this very example, on which I support myself, in order to overthrow the system of absolute inviolability, held by our adversaries.

The English admit, in the King, that sacredness of administration which our constitution has consecrated.

They go farther than we do; they extend it to the private actions of the King, which he may exercise towards his subjects. "The person offended," says Blackstone,* "ought to be provided for in the Court of Chancery, or the officer of justice shall administer justice to him, not as a right, but as a favour, and without being compelled to it." Is it by this abject language, that we can distinguish a free people?

But notwithstanding this mean cringing, never did the English think their King could be sacred, while he was endeavouring to overthrow the constitution.

* Vol. I, page 243. English edition, 8vo.

stitution by stratagems or by force. Read Locke,* Sidney, Milton, Macaulay; read Blackstone himself; read the celebrated Jones, chief Judge of Bengal, in his so much persecuted Dialogue; you will see, they all unanimously hold the Prince may be tried, may be deposed by the nation; and that his sacredness ceases in case of a national crime.

Mr. Goupill has cited you an axiom, very old, he says; the axiom that the King of England *can do no wrong*, and is impeccable. Very fine! gentlemen, this axiom, so old, of about a hundred years standing, was invented for the convenience of Charles II, who wanted to be a despot, and yet not undergo the fate of his father.

But I myself will cite an axiom somewhat older, and more true; the axiom that *the King* is subject to the law; it is coëval with the English monarchy; you will find it in the *mirrour of Parliaments*, in *Lafleta*, *Bratton*, *Fortescue*.

But I come to the English politics, of late date.

"When the executive power, says Locke,† would attack the constitution, it sets itself at war with the people, who may resist him and punish him. This power was delegated to the supreme in office only for the general good; if he violates this end, the trust ought to be revoked. But by whom? By him who appointed him. If there

* See Locke on Civil Government; Milton in his Reply to Salmasius; Sidney in his Discourses on Government; Macaulay in her Dissertations, towards the end of the fourth volume of the History of the Stuarts; Jones in the Dialogue, printed by the Dean of St. Asaph.

† Locke on Civil Government, page 322.

there was not this legal form to check tyrants, it would be necessary to appeal to the sword for it."

Observe that Locke here, would have the Prince tried by the people in *convention*, and not by the Parliament; and Blackstone, though a zealous defender of the prerogatives of the King and of the Parliament, does himself preach up this doctrine.

If, says he,* (and I translate his words with a scrupulous exactness) "any future prince should exert himself to overthrow the constitution by breaking the original compact, between the King and the people; if he should break the fundamental laws; if he should withdraw from the kingdom, we are authorized to declare, that this concurrence of circumstances would be equivalent to an abdication, and that the throne ought to be declared vacant."

Does not Blackstone appear to have had in view, the case in which, we ourselves now are? All the circumstances are found in it; he has passed judgment on the fugitive and perjured Frenchman.

It was, gentlemen, in these terms, that the sentence or act of the convention, in 1688, was passed against James II, which declared, that "King James II, having attempted to overthrow the constitution of this kingdom, by breaking the compact between him and his people; having by the advice of Jesuits, and other evil-minded persons, violated the fundamental laws, has abdicated the government, and that the throne is vacant."

Observe here, gentlemen, one striking circumstance; it was not the Parliament which pronounced

* See Blackstone, vol. I, page 245.

pronounced this sentence of degradation against King James : It was a convention of deputies nominated for this particular purpose, (*ad hoc*) solely to expel the tyrant, and to supply his place.

This example, gentlemen, upon which the present constitution of England rests, therefore overthrows the system of the sacredness of Kings, in cases of national high treason.

James I, that King who was so prodigiously infatuated with the privileges of royalty, had himself consecrated this doctrine, "Every King," said he, "who would not be a tyrant, nor have the fate of tyrants, ought to be subject to the law. He who maintains the contrary, is a viper and a pest."

This is the name, which, according to this King, we must give to those contemptible lawyers of the lower Empire, who are always sure to be quoted; to that Ulpian, who had the infamy to assert that "*The Emperor was neither obliged to obey the law, nor was amenable in the eye of the law*;" and to those lawyers of the times of the barbarity of France, who, whether from a superstitious idolatry towards royalty, or from interest, aided princes, with their criminal maxims, to rivet the fetters of their subjects.

I would here, by means of one of the most abject sycophants for absolute royalty, confound the men who shall cite to you the whims of the old school. The Jesuit Mariana did, in the last century, compose a book upon the establishment of the King, where we find him, for two chapters, upon this question, *Whether a tyrant ought to be stabbed or poisoned?* Mariana himself made no doubt of it: Here is the method he prescribes.

scribes. A tyrant, says he, is a wild beast, which tears to peices every thing it meets with; and it is a duty to kill a wild beast; but how shall we manage with a tyrant, says Mariana? He must be reminded of his faults in a friendly manner; but if he rejects the advice, and is incorrigible, the State ought to pronounce him, fallen from Royalty: If he makes opposition to the sentence, he must be declared a public enemy, and, by all means, be destroyed.

Observe that Mariana wrote his Lectures on Tyrannicide, under the most despotic prince, under Philp II.

This prince did not himself believe the absolute sacredness of sovereigns; he did not believe that it was an essential attribute of Royalty; he did not believe that Royalty might be destroyed, if the prince could be tried and punished. And how many examples rise up against the contrary doctrine of our adversaries, who endeavour to frighten people at the abolition of Royalty, if the King can be tried.

What! did not Royalty always continue among the Jews, though the Sanhedrin could try and condemn the Kings? For, says Maimonides, the Kings of David's race, tried, and were themselves tried.

Did not Royalty always subsist at Sparta, though the Senate of Twenty-eight, and the Ephori, might condemn their King to a fine, to imprisonment, to banishment, and to death? Witness the examples of Pausanias, of Cleomenes, and of Agis.

In fine, to quote examples from our own history; did not Royalty always subsist in France, though, especially under the two first families, the
D. Kings.

Kings were frequently deposed, for mal-administration, and even for want of learning?

What! gentlemen, should we, in an age of light and liberty, in the midst of the most astonishing revolution, of a revolution which has restored to man all his rights; to reason her whole Empire in politics—should we have less information, less courage than in the times of ignorance and slavery? By what absurd contradiction can we acknowledge an individual above the law, while we put the law above every thing?

Eternal contradictions are the portion of the advocates for error; and I find one here, between the system and conduct of our adversaries, which condemns them. If the King is sacred, he can neither be pursued, tried, nor punished for any crime whatever; why then, have they themselves voted for his being arrested, and for the suspension of his powers, are not his being stopped and suspended punishment, formal attacks upon that sacredness? Yes, doubtless, it is necessary, therefore, either to declare that the King is not sacred, in the case of a national crime, or we must let him *loose*. If he is sacred, the National Assembly, and those who have arrested him, must acknowledge to him the right of a criminal prosecution; he must be left at liberty to go where he thinks proper. Let that enemy, therefore, who could give so perfidious an advice, to give him his liberty, which might soon be followed by all the horrors of civil war. Let him dare show himself. Alas! gentlemen, this is the situation to which the system of absolute sacredness has brought us; for, what Frenchman could ever obey a despicable and criminal King, though he were sacred?

I believe, gentlemen, that I have sufficiently demonstrated it to you: It is necessary here, either

ther to adopt the constitution, or the absolute sacredness of the King; either the revolution, or his trial; either the safety of the people, or outrageous revenge; either the *glory*, or the reproach of *France*.

I pass to the second argument of our adversaries. It is more perfidious than the first, more specious, more adapted to lead astray, it must, therefore be examined with care. The King, say the committees, cannot be brought to the bar—he cannot be tried, without exposing ourselves to the vengeance of foreign powers. They represent, to the National Assembly, a frightful picture of the calamities, which their confederacy, their invasion would bring upon France. It is with these imaginary terrors, that they hope to rank, on the side of an odious party, a multitude of virtuous, but timid, or ill-informed patriots. The delusion must be dispelled, and these puerile terrors removed: We must analyze the grounds of them; and the mind being brought back to reason, and directed by principle alone, will see, in cool blood, what ought, and what can be done with the King.

It is not the first time, gentlemen, that this artifice has been used, to lead the National Assembly into an error. Whenever they would stagger it, and withdraw it from its principles, they represent to it, in distant views, wars and innumerable calamities, call to mind the affair of the colonies. To hear superficial men, who see nations, only through a false, ministerial, diplomatic prism, say the English fleets will certainly fall upon our islands. The National Assembly had the good sense to scorn those fears. How many months have elapsed since these haughty predictions!

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The English fleets are still in their harbours, or coasting in the channel. I cite to you this example, to put you on your guard against this haughty policy, which, having reason at home, goes in quest of lies abroad; and such is the artifice which, at this day, is still made use of, to absolve, without trial, a man who is declared an enemy of the constitution. Foreign powers, say they, are going to fall upon us.

I will admit they are; but if, yielding to this motive, you should forget your principles, your dignity, and the constitution, in order to see nothing but a foreign danger; in that case, hasten to tear the constitution to pieces; you are no longer worthy of it; you can no longer defend any part of it. Do you really think, that if your enemies should come to enjoin upon you your own disgrace; do you believe that they would stop at this first step? No; they would compel you to establish the project of the two houses, that hereditary nobility, every where the accomplice and support of despotism: They would force you to revive that fatal nobility, on the side of which, a constitution cannot be maintained: They would force you to restore to the King a part of his absolute authority: In fine, to what would they not force you! What would be the boundary of their insolent demands, and of your cowardly weakness—Dare fix it! dare say that, having arrived at that boundary, you had rather fight and die, than yield. Alas! since you cannot avoid, by once yielding, either falling back, by degrees into slavery, or to be obliged to fight, have now the courage to be great, to be resolute, and to be unshaken, at the first step, at the audacious demand.

The Romans held it for an invariable maxim, never to treat with their enemies, till they had laid

laid down their arms; and should you be afraid of enemies, who have yet to take them up against you! Would you flinch through fear of vain phantoms! But let those who are afraid, or who pretend to be afraid of those phantoms, dare look them in the face; let them try to touch them; let them see what they are, and what you are, and the frights will vanish.

Who are you? a free people, and you are afraid of a few crowned robbers, and kennels of slaves! Did Athens and Sparta ever fear the numerous armies, which the despots of Persia dragged in their suit? Did they say to Miltiades, to Cimon, or to Aristides, receive a King, or you will be undone? They would have answered, in a language worthy of the Greeks, "We shall see one another at *Marathon*, at *Salamis*."

And the French will have also their *Marathon*, their *Salamis*, if there be any powers foolish enough to attack them.

Here, gentlemen, even the numbers are on the side of liberty, and we shall have to envy the Spartans, with the glory which they had, of struggling with a few heroes, against a host of enemies. Our *Thermopyles* will always be covered with numerous legions.

France alone contains more armed citizens, than all Europe can vomit out against her, of mercenary soldiers; and what citizens! such as will defend their property, their wives, their children, their liberty. With these tutelar gods, a people is not to be conquered, or they know how to bury themselves under the ruins of their country.

What soldiers of a despotic government can, for a long time stand out against the soldiers of liberty? The soldiers of tyrants have more discipline

pline than courage, more fear than attachment ; they want money ; they are little to be trusted ; they desert, the first opportunity. The soldier of liberty fears neither fatigues, dangers, hunger, nor the want of money ; what he has, he cheerfully spends for the defence of his country ; (for this, I call to witness the brave soldiers of *Givet* !) he runs, he flies at the cry of liberty, while despotism would, with difficulty, make him take a few languid steps. Let a patriotic army be destroyed, another immediately rises out of its ashes. It is because under that liberty, every man is a soldier ; men, women, children, ministers, magistrates. Two defeats will destroy the most numerous and best disciplined armies of tyrants in Europe. Defeats instruct and irritate, the soldiers of liberty, and do not diminish their number.

O ye, who doubt of the prodigious and supernatural efforts, which the love of liberty may inspire men to exercise ! Behold what the Americans have done, to obtain their independence ! See Doctor Warren, who had never handled a musket, defend with a handful of ill-armed, ill-disciplined citizens, the little eminence of Bunker-hill ; and before he surrendered, make upwards of twelve hundred English soldiers *bite the ground*.* Follow General Washington, making head, with three or four thousand peasants, against more than thirty thousand Englishmen, and sporting with their strength. Follow him to Trenton ; I had it from his own mouth, his soldiers had no shoes ; the ice, which tore their feet, was tinged with their blood : *We shall have shoes to-morrow, said they ; we will beat the English—and they did beat them.*

Ah !

* *Mordre la poussière.* To eat the dust.

Ah! let the men who despair of French valour, who do not believe it capable of sustaining the combined efforts of hostile powers, let those men cease to calumniate our regular troops, who, so valiant, when they fought for foreign quarrels, will be much more so, when they fight for their own cause—their liberty. Let them cease to calumniate our national guards, whose devotedness is manifested at this crisis in so striking a manner, and who accuse fortune for not having yet furnished them with an opportunity to display their valour.

Athens alone, the little country of Athens, could, for thirteen years together, sustain the efforts of the confederacy of the Spartans, the Thebans and of the Persians; and never yielded, but to number, to fatigues, and to the want of means.

England, at the time of the revolution of 1640, could, to recover her liberty, maintain, during ten years, the most destructive civil war, and gain battles abroad too.

The Americans, few in number, without disciplined troops, without ammunition, without artillery, without ships, without money, could resist; and after seven years combat, conquer a nation brave and rich, and whose navy knows no equal.

And, should *we*, having, in the extent of France, in our mountains, and our harbours, more resources than the Athenians: Should we, more happy than the English in 1640, dreaded even now, by our neighbours, without fear of civil war, masters of the seditious, united by a concord, which, of twenty-five millions of men, makes but one family, one single army: Should we, who, more happy than the Americans, can stop our enemies by strong fortifications, by disciplined

ciplined and numerous armies, by national guards, familiarized to fatigues : Should we, for whom heaven has, in order to facilitate the transition from despotism to true liberty, reserved an immense store, recovered by the superiority of good sense over superstition : Should we, with so many advantages united, fear powers, which, under the despicable reign of despotism, we have so often beat ! What ! under this despotism, France alone, was able to resist seven combined powers, and would not the love of liberty again produce a miracle which has been brought forth by a ridiculous honor !

It is true, that if foriegners league together and attack us, they may conquer at first, but Rome, when attacked by Hannibal suffered four defeats ; she did not despair, nay, she triumphed ; neither did the Americans arrive at independence, but by numerous defeats. Some cities may be taken, I admit it. Our brethren of those cities will every where find asylums. We will share with them both our houses and our tables. The children of the martyrs of liberty shall become our own. We will wipe away the tears of their widows. Ah ! it is this sweet communion of minds and of hearts, which renders the soldier of liberty invincible ; and makes him meet death with joy : He bequeathes his family to his brethren, and not to tyrants, who would thrust away the children, after drinking the blood of their fathers.

Yes, gentlemen, the men who endeavour to discourage us ; to hinder us from being just, from being free, by the fear of foreign powers, neither know the strength of France, nor the prodigious effects of liberty upon the human character, nor the situation of foreign powers, *nor the changes which the American Revolution, which*
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that of France, and which the prodigious unfolding of universal reason have made, and will make in the political cabinets, and in the armies of Europe.

Monarchs might formerly enter into leagues one against another, and endeavour to tear each other to pieces, in order to share the lands and the subjects of the conquered; but men are now no longer moveable furniture, which one may so easily dispose of, without their consent. Those Kings of former times might perpetuate their wars: At this day, it is above the strength of all the powers to make a long war. Money is the sinew of it; and this sinew soon fails. Free citizens alone can, for their liberty, maintain long wars. The great interest of liberty, the interest which is self-nourished, supplies the room of money among them, which is easily spent. Thus the powers which league together against a free nation, have a prodigious chance against themselves. They have the almost certainty of burying their troops and their treasures, to no purpose, in the country of liberty. The thirty years war, with which Holland bought her liberty, is an eternal lesson for the tyrants, who would attack ours. The most formidable power of those times miscarried, in that open country, which nothing defended, besides the valour of its inhabitants: The treasures of the two hemispheres, were swallowed up there. Tyrants are acquainted with those instructive examples, and do not repeat them. They know too well, at this day, that, if their cause is that of all tyrants, ours is that of all nations; and that we can count amongst their soldiers and their subjects, almost as many brothers and patrons,

What,

What, then, ought now to be their calculation, and their end ? It is to hinder the propagation of *that Declaration of Rights* which threatens all thrones ; to preserve, as long as possible, the delusions which surround them. Now, is it by filling France with their troops, that foreign Kings will prevent the contagion of liberty ? Can they think that their soldiers will not hear the sacred songs ; that they will not be ravished with a constitution, where all offices are open to all ; where one man is the equal of another ; ought they not to fear, lest their soldiers, shaking off their chains, should imitate the conduct of the Germans in America ; lest they should enlist under the banners of liberty ; lest they should mix with our families ; lest they should come to cultivate our fields, which would become theirs ?

It is not only those, who should remain with us, whom they will have to fear ; but those, who, being left of an impious and fruitless war, will return to them. They will naturally make comparisons of their own lot, with the lot of Frenchmen ; of the perpetuity of their slavery, with the equality of others. They will find their lords more insolent ; their ministers more oppressive ; their taxes heavier ; and they will revolt. The *American Revolution* brought forth the *French Revolution*. This will be the sacred focus, whence will proceed the spark, which will set on fire the nations, whose masters shall dare come near it. Ah, if the Kings of Europe understand their interest well ; if they are instructed by events, they will endeavour rather to stand aloof from France, than to have any communication, by attacking her. They will endeavour to make their people forget the French Constitution, by treating them kindly ;

kindly ; by lightening their taxes, and by giving them more liberty.

We are arrived at the time, when public opinion, the opinion of nations, is every where secretly accounted every thing, in the balance of tyrants. Thus, when some superficial persons have advanced that the English government could command wars at their fancy, they have advanced an error.

Without doubt England has no longer any political liberty ; but she still knows how to make her political opinion respected ; and the miscarriage of the war against Russia, is a proof of it. If the fleet does not sail, it is because the nation does not choose it ; she is still a true sovereign, though George, by playing the Comedy of a Review, has the air of being the only one.

When, therefore, one would foresee, either the possibility of a war, or the consequences which must result from it, it is necessary to consult public opinion, among those who are best acquainted with it : The public opinion, in all the countries, whose forces are wanted to be employed against us, is generally in favour of the French constitution, though certain articles in it may be displeasing. Our newspapers have made, and will make, the conquest, in this respect, of the whole world ; and the press has chained down the arms of the princes of Europe. Would you be farther convinced how little formidable they ought to appear to you ? examine the situation of their different states.

Is it England that our pusillanimous politicians are afraid of ? Overloaded with the enormous weight of a debt which every day increases, the vain parade against Russia, and the destructive war in India ; she has every thing to fear for herself ;

self; the impossibility of clearing her debt; the loss of her possessions in the East Indies; the contest with Ireland, and the constant emigration from Scotland. Extend her victories, multiply her ships, her debt does not diminish by it. Give her the fickle Nizam, the perjured Mahratta, and the nominal Emperor for allies in the Indies; the English empire is not really strengthened by them; it is only in imagination. Now it is impossible that this dream of imagination should continue much longer; that six thousand Englishmen, should, for a long time, hold in irons twenty millions of men, and frighten a hundred million besides.

There, doubtless, is what the English minister sees; and he will not go to hasten his own ruin, by declaring a war which his generous nation would execrate. He would not desire the ruin of that nation, by commencing a war which would exhaust all the resources of which it has need, to maintain an empire held by one thread.

Is Holland to be dreaded? An imperious and odious woman, a weak and despised prince of the enslaved States General! a magisterial, odious aristocracy, two aristocratic factions given to tear each other to pieces; a seditious mob, at the orders of the prince, no money, no credit, no ships, no troops; two bankrupt companies, and a tottering bank. There is the Dutch government and its means. It has, therefore, every thing to fear, and cannot be feared.

Is Prussia to be feared? When the inquisition is seated on the throne, it makes it totter, and weakens it; and the King of Prussia is nothing more than a GRAND INQUISITOR. When a prince is alternately voluptuous and *illuminated*; courageous and weak; the arbiter of Europe, and the

the sport of his enemies, that prince has run his length. It is not that of a conqueror, nor of an able prince; it is that of a vain man, and of an egotist: Liberty is not afraid of such adversaries. Add to this the division of the ministry; an exhausted treasury; a disposition in the soldiers to desert; a dread of the aggrandizement of the house of Austria, which our ruin or our return to the old government would equally favour; and you will find strong motives for scorning Prussia.

Is it Austria you fear? A prudent King establishes peace in his own dominions, before he undertakes a foreign war; Leopold is prudent, and pacific, and he is far from having peace in the scattered parts of his own empire. Brabant trembles at her own chains; the true *Von-kists* are tired of being sported with; the states are not the dupes of the perfidious caresses of the court; the people begin to see clearly; they all wait only for the first opportunity to break out. Will Leopold send troops into France, when they scarcely are sufficient to restrain Brabant, and that unhappy country of *Liege*, which roars at the cruelties of its mitred Sultan? Will he draw upon himself a war with twenty five millions of freemen, when, at the same time, he breaks with the Turks? He wants to keep the Hungarians in subjection, whose unsubduable character, the example of Poland stimulates; when even his own dominions in Italy conceal a *focus* of sedition; in fine, when his treasures, scarcely sufficient for his ordinary expenses, will soon be exhausted by a war against the liberty of a great nation! Leopold yields every where, even to fanaticism, which he abhors; he feels his own weakness; and what is to be feared from a weak and timid prince?

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Shall

Shall I speak of that Germanic league, which is but a vain phantom ; of those petty states, which have the audacity to conceal our fugitives amongst them ? If our ministry had had any idea of the dignity of our revolution, one word from their mouth would have made these obscure tyrants shrink into nothing ; one fire of whose canons, will set their subjects at liberty.

Shall I speak of the thunderbolts of Rome ? They can frighten only the superstitious ; and it is the people themselves who have broken the idol of superstition ; Rome is no longer to be feared, since the people are become philosophers.

Shall I arrest my attention upon the vain brags of the Don Quixote of the north ? But he is not a Gustavus, and we are not Dalecarlians, nor Russians. The Nerva does not run through France.

Shall we be frightened at the motions of Spain ? But the agitations of its King ; the change of her ministers ; the partial reformatations, which his ministers are attempting ; the prohibition of our publications ; the assembling of the *cortez* ; the formation of a line of troops ; in a word, do not all these movements rather prove the terrors than the hostile projects of the King of Spain ? Frighted to death, as well as all other sovereigns, he is in agitation to ward off the blow ; and though his treasures should not be exhausted ; though he should have some credit, armies and provisions, the disposition of minds is such, and he knows it, that to give the signal to pass over the Pyrenees, is to call liberty into his kingdom.

In fine, is it the King of Sardinia, who, with a few thousand men, whom he parades in his own dominions, throws our profound politicians into convulsions ? But can millions of Frenchmen be afraid.

afraid of a prince, to whom a handful of school boys has lately given law in his own capital ?

From these pictures, what results ? That all foreign powers have effects to fear from the French revolution ; that France has nothing to fear from them. Hence it follows that these powers will confine themselves to fright us with bugbears ; but they will never realize their threats. And should they realize them, it is not like a Frenchman to be afraid of them ; it would be worthy of us to prevent them. Ah ! these fears would long ago have been quashed, if our ministry had been composed of patriots ; or if the National Assembly had resolved to take a determinate attitude, in the face of all the powers of Europe. The Stadtholder of Holland had the audacity to threaten the long Parliament of England, and this Parliament immediately declared war against him. Louis XIV, and Mazarin, afforded refuge to the son of Charles I. The Parliament ordered it to be notified to the haughty monarch, to drive Charles out of his dominions ; the supple Mazarin obeyed. Observe that this Parliament, which even braved foreign powers, had to submit in its own country to Scotland and Ireland, when they rebelled ; that it had but forty or fifty thousand soldiers at its command : And we have three millions of citizen soldiers. The foreigners were afraid of them, and will be afraid of us, if France will finally take a tone, becoming just and free men, in the face of the tyrants, whom our silence alone emboldens ; then our fugitives will disappear from their dominions, and the mind will no longer be alarmed by false fears.

Our true enemies, gentlemen, are not foreigners, but truly those who make use of their name to frighten

frighten people; our enemies are those, who though detested, yet coalesce, in order to disgrace the nation, and disunite it, by reestablishing a government without confidence; and of which they hope to be masters; our enemies are those who, after having with regret, established the bill of rights, annul all those rights one after another by bye-laws; our enemies are those who, after having declared the sovereignty of the nation establish above it another sovereign under the title of *Inviolable*; our enemies are those who would preserve to the Supreme Executive, a frightful civil list, and who look upon corruption as a necessary element of our government; our enemies, in fine, are those who say to us, forget the treason, or else be afraid of foreigners.

A Frenchman, to be determined by the fear of foreigners! Liberty is no more, when people listen to these fears; and he must be either a cowardly or a miserable citizen who invites them to his assistance. I therefore make this express motion, that every individual, who shall oppose the fear of foreign powers to the unanimous cry of justice and of liberty, be declared unworthy of the name of *Frenchman*, unworthy of this society; and that this resolution, inscribed in your registers, be sent to all the societies of a similar nature.

I add this motion also, that the system of the absolute sacredness of a King, and especially in case of a crime against the nation, be considered as invasive of the sovereignty of the nation, and of the laws, and subversive of the constitution, and in consequence, it be declared that the King may, and ought to be tried.

The society ordered this Discourse to be printed, and sent to all the societies of a similar kind.

10 OCT 1793
FINIS. BOYCHE, President.

